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Dkt: 0575/61150/JPW/APE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

refer Applicant : Paul B. Fisher and Zao-Zhong Su
filin U.S. Serial No. : 09/621,781
A che Filed : July 21, 2000
cover For : NUCLEIC ACIDS COMPRISING REGIONS OF THE
Attor: RAT PEG-3 PROMOTER THAT DISPLAY
ELEVATED EXPRESSION IN HUMAN CANCER
CELLS AND USES THEREOF

No fe 1185 Avenue of the Americas
conne New York, New York 10036
any fe November 15, 2000
amoun

Assistant Commissioner for Patents
Washington, D.C. 20231

ATTN: Box Missing Parts

Sir:

**COMMUNICATION IN RESPONSE TO
OCTOBER 6, 2000 NOTICE TO FILE MISSING
PARTS OF NONPROVISIONAL APPLICATION UNDER 37 C.F.R. §1.53(b)**

This Communication is submitted in response to the October 6, 2000 Notice to File Missing Parts of Application Under 37 C.F.R. §1.53(b) issued in connection with the above-identified patent application. A copy of the October 6, 2000 Notice is attached hereto as **Exhibit A**. A response to the October 6, 2000 Notice is due on December 6, 2000. Accordingly, this Communication is being timely filed.

The October 6, 2000 Notice stated that the application does not comply with 37 C.F.R. 1.53(b) because the oath or declaration is unsigned and to avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 C.F.R. §1.116(e) of \$65.00 for small entity in compliance with 37 C.F.R. §1.27, must be submitted with the missing items identified in the October 6, 2000 Notice.

Applicant hereby submits an executed Declaration and Power of Attorney pursuant to 37 C.F.R. §1.53(d) and in compliance with 37 C.F.R. §1.63 (attached as **Exhibit B** hereto). The Declaration

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to:

Assista
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John P.
Reg. No
Jane M
Reg. N



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 09/621,781 | 07/21/2000 | Paul B. Fisher | 61150/JPW/JML |

John P White
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, NY 10036



FORMALITIES LETTER



OC000000005458403

Date Mailed: 10/06/2000

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

11/24/2000 WKOROMA 00000048 09621781

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APPL PARTS

IMIS
Internal Misc. Paper

LET.
Misc. Incoming Letter

371P
PCT Papers in a 371 Application

A...
Amendment Including Elections

ABST
Abstract

ADS
Application Data Sheet

AF/D
Affidavit or Exhibit Received

APPENDIX
Appendix

ARTIFACT
Artifact

BIB
Bib Data Sheet

CLM
Claim

COMPUTER
Computer Program Listing

CRFL
All CRF Papers for Backfile

DIST
Terminal Disclaimer Filed

DRW
Drawings

FOR
Foreign Reference

FRPR
Foreign Priority Papers

IDS
IDS Including 1449

Internal

SRNT
Examiner Search Notes

CLMPTO
PTO Prepared Complete Claim Set

NPL
Non-Patent Literature

OATH
Oath or Declaration

PET.
Petition

RETMAIL
Mail Returned by USPS

SEQLIST
Sequence Listing

SPEC
Specification

SPEC NO
Specification Not in English

TRNA
Transmittal New Application

OUTGOING

CTMS
Misc. Office Action

1449
Signed 1449

892
892

ABN
Abandonment

APDEC
Board of Appeals Decision

APEA
Examiner Answer

CTAV
Count Advisory Action

CTEQ
Count Ex parte Quayle

CTFR
Count Final Rejection

ECBOX
Evidence Copy Box Identification

WCLM
Claim Worksheet

WFEE
Fee Worksheet

CTNF
Count Non-Final

CTRS
Count Restriction

EXIN
Examiner Interview

M903
DO/EO Acceptance

M905
DO/EO Missing Requirement

NFDR
Formal Drawing Required

NOA
Notice of Allowance

PETDEC
Petition Decision

INCOMING

AP.B
Appeal Brief

C.AD
Change of Address

N/AP
Notice of Appeal

PA..
Change in Power of Attorney

REM
Applicant Remarks in Amendment

XT/
Extension of Time filed separate

File Wrapper

FWCLM
File Wrapper Claim

IIFW
File Wrapper Issue Information

SRFW
File Wrapper Search Info

BACKFILE DOCUMENT INDEX SHEET